

ORDINANCE NO. 2128-24

**AN ORDINANCE ADOPTING REGULATIONS REGARDING
THE REGISTRATION AND MAINTENANCE OF VACANT
BUILDINGS, ENFORCEMENT PROCEDURES AND PENALTIES**

WHEREAS, the City Council of the City of Prichard, Alabama, finds, determines, and declares that unoccupied and vacant buildings become an attractive nuisance to children; an invitation to derelicts, vagrants, and criminals; a harborage for rodents, vermin, and other pests; and create a fire and safety hazard for citizens who reside in proximity to these locations; and

WHEREAS, the unkept grounds surrounding said property invite the dumping of garbage, rubbish, and debris; and

WHEREAS, such buildings are often economically obsolete and, as a result, owners are unwilling to expend the necessary funds to repair or raze the buildings; and

WHEREAS, the buildings contribute to the growth of blight, depress market values of surrounding properties, endanger the public safety and health, and are detrimental to the public good and the common welfare, thus creating an unsafe, unhealthy, and potentially hazardous nuisance condition; and

WHEREAS, municipalities across the United States, being confronted with the above stated issues that vacant buildings and structures create in the community, have enacted similar ordinances in an attempt to combat these problems; and

WHEREAS, the City of Prichard Alabama, has the authority to adopt ordinances which provide for the safety, preserve the health, and promote the prosperity of its citizens under Code of Alabama (1975) § 11-45-1, as amended) and to enforce obedience to such ordinances;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:**

SECTION 1. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance, shall have the following meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Building/Structure* – Any physical object or edifice that is constructed or installed and is located on and affixed to the land. The term(s) “building” and “structure” shall be synonymous and shall include any portion thereof.

- (b) *Owner* – Every person, entity, or service company who alone, jointly or severally with others:
- (1) Having legal or equitable title to any dwelling, dwelling building, land, or structure; or
 - (2) Having the care, charge, or control of any dwelling, dwelling unit, building, land, or structure in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title; or
 - (3) Who is a mortgagee under the terms of a mortgage, where the mortgagor no longer takes responsibility for the property, and where the mortgage in questions contains a provision authorizing the mortgagee to act to secure or repair the property, or is a mortgagee in possession of any such property; or is a mortgagee that has instituted foreclosure proceedings against the mortgagor; or
 - (4) Who is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property; or
 - (5) Who is responsible for paying any portion of property taxes which are due on the property that the building or structure is situated.
- (c) *Regular/preventive maintenance of building/structure* - means those activities or services which are regularly performed to or upon real property or services which are regularly performed to or upon real property and any building, house, edifice, or other structure which occupies real property to ensure compliance with building code requirements of the City of Prichard and the State of Alabama that include, but are not limited to, compliance with building, fire prevention, and zoning regulations.
- (d) *Responsible Party* – owner or owners of any dwelling, dwelling unit, building, land or structure.
- (e) *Statement of Intent* – a form completed by the owner, or responsible party of a vacant structure which contains specific information regarding the structure and the owner's plans for its rehabilitation, maintenance, demolition, or removal.
- (f) *Vacant Building or Structure* – any commercial structure, office structure, industrial or resident structure which has become free from use, service, or occupancy for at least ninety (90) days or which meets at least one of the following conditions:

- (1) Is open to casual entry or trespass;
- (2) Is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy;
- (3) Is a site of loitering or vagrancy;
- (4) Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City of Prichard Maintenance Code; or
- (5) Is under a notice of being in violation of any City Ordinance, or is under a condemnation notice or legal order to vacate; or
- (6) Has been secured or boarded-up for at least ninety (90) days;
- (7) Has taxes in arrears owed to the state or city for a period exceeding 365 days;
- (8) Has utilities disconnected or not in use;
- (9) Is structurally unsound; or
- (10) Is a potential hazard or danger to persons – provided, however, Vacant Buildings shall not include:
 - (i) Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all city or state ordinances, codes, and regulations and for which construction, renovation, or rehabilitation is proceeding diligently to completion, or
 - (ii) Properties, commercial or residential, that are being actively managed, leased and/or marketed by a licensed real estate agent; or that are otherwise under contract with the owner or the owner's designee, who can demonstrate that there is a reasonable expectation that the property will be leased, rented, or sold within a mutually agreed upon time period.

NOTE, HOWEVER, if construction is halted or the Building Permit has expired or the property is no longer managed, leased and/or marketed for sale, the owner is required to register the vacant building or structure as a vacant building as defined in this Ordinance.

- (1) *Vacant Building Maintenance Standards* – the maintenance standards to which vacant buildings are subject this Ordinance, to include the requirements of the City of Prichard Building Maintenance Code and the International Property Maintenance Code.
- (2) *Vacant Building Registration Certificate* – a document issued by the City of Prichard to or regarding any commercial office, industrial, or residential structure that meets the definition of “vacant building” as set forth in this Ordinance.

SECTION 2. RESPONSIBLE PARTIES, LIENS.

- (a) Every owner, with respect to any property, shall be jointly and severally liable with every other owner for the obligations set forth in this ordinance.
- (b) All fees, costs, charges, assessed, or incurred by the City of Prichard shall be the sole responsibility of the owner and, if assessed fees, costs and charges are not timely remitted, such fees, costs and charges shall constitute a lien on the real estate upon which said building is situated. All liens assessed against the property upon which the vacant building or structure is placed shall be filed in accordance with state law.

SECTION 3. OBLIGATIONS OF OWNERS OF VACANT BUILDINGS.

- (a) Within thirty (30) days of a building becoming vacant as defined in this Ordinance, the owner of the building shall apply for a Vacant Building Registration Certificate and pay the fee according to the fee schedule contained herein. The initial Vacant Building Registration Certificate shall be issued for a period of six (6) months.
- (b) If the structure is still vacant at the time of expiration of the original Vacant Building Registration Certificate, the owner shall immediately apply for renewal of the certificate. At the discretion of the Building Official, a renewal application for a Vacant Building Registration Certificate may be approved. An application for renewal of the original Vacant Building Registration Certificate shall not be approved after three (3) six month renewal periods or a maximum of twenty-four (24) months total.
- (c) If the structure is still vacant at the time of expiration of the original 24 month vacant Building Registration Certificate period or if the owner fails to complete a renewal application at any point during the initial twenty four (24) month registration period, the owner of the abandoned and/or vacant structure shall immediately be subject to an annual renewal administrative fee of \$500.00.

- (d) Renewal certificates shall be subject to all conditions and obligations imposed by the original certificate, including the payment of the applicable fee at each renewal.
 - (e) The registered owner is required to file an amended application for the registration certificate within ten (10) days of any changes contained in the original application, including occupancy or transfer. If the owner is amending his application or renewal application to correct a scrivener's error or other minor change, the owner shall not be required to pay any additional fee. The determination of a "minor change" shall be determined at the discretion of the Building Official or his/her designee.
 - (f) During the period of registration, the owner shall provide access to the City to conduct inspections of the building(s), both interior and exterior, if deemed necessary by the City and following reasonable notice, to determine compliance with this Ordinance and other relevant codes and ordinances of the City of Prichard.
 - (g) The owner of a vacant building shall comply with all laws and regulations of the City of Prichard. To this end, the Owner shall apply for all building, fire prevention and zoning permits necessary to maintain the structure in full compliance.
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- (h) The owner of the vacant building shall, at the time of application for registration certificate, certify:
 - (1) that all combustible materials have been removed from the building;
 - (2) that all waste, rubbish or debris has been removed from the building;
 - (3) that all waste, rubbish, debris and excessive vegetation from the area surrounding the vacant building has been and will continue to be removed, including overgrown or dead trees and grass and weeds in excess of twelve (12) inches in height; and
 - (4) agree to hold the City and its agents and/or employees harmless for any actions the City or its agents and/or employees must take to enforce ordinances related to nuisance abatement and property maintenance.
 - (i) The owner of a vacant building shall immediately lock, barricade, or secure all doors, windows, and other openings in the building to prohibit entry by unauthorized persons.

- (j) The obligations of the owner of a vacant building are binding and continuing and are effective throughout the time that the building or structure remains vacant.

SECTION 5. VACANT BUILDING MAINTENANCE STANDARDS.

A vacant building shall be subject to all city state and federal codes. The premises upon which the vacant building is located shall be maintained clean, safe, and sanitary. The premises shall be free from waste, rubbish, debris or excessive vegetation in compliance with City ordinances and shall not pose a threat to public health and safety. Grass shall be maintained no higher than twelve (12) inches and no clumping of grass clippings shall remain after abatement.

SECTION 6. VACANT BUILDING/STRUCTURE REGISTRATION, RENEWAL AND ADMININSTRATIVE FEES; AND SCHEDULES

- (1) The Vacant Building/Structure Fees shall be determined as follows:

- (a) Initial Registration Certificate Fee - shall be due at the time of initial application or any subsequent renewal(s) and paid by the owner.
- (b) Annual Administrative Fee: (for vacant single family and multi-family residential properties) shall remain consistent with the amount of the Initial Registration Fee. The Administrative Fee will become effective at the conclusion of the initial 24-month registration period. Any and all fees assessed under this Article shall be established to support the services rendered by the of Prichard in the course of its duties including, but not limited to, registration data collection, monitoring, and general management of vacant or abandoned structures. Failure to register such a structure or pay the required fee shall be cause for penalties to be assessed AND ARE VIOLATIONS OF THIS ORDINANCE.

- (2) Fees for vacant commercial and residential buildings/structures shall be determined by the following fee schedule:

COMMERCIAL

Initial Registration Fee: \$350.00

Annual Administrative Fee (for continuously vacant buildings): \$500.00

RESIDENTIAL (Single Family)

- Initial Registration Fee: \$150.00
- For owners of vacant single-family structures: \$500.00

RESIDENTIAL (Multi-Family)

- Initial Registration Fee \$250.00
- For owners of vacant multi-family residential properties: \$500.00

SECTION 7. AFFIXING CONTACT/EMERGENCY INFORMATION TO VACANT BUILDINGS

The owner or the owner's agent shall affix to the vacant building a copy of the Vacant Building Registration Certificate inside of a front window, so that it can readily be read by law enforcement, fire department or building department personnel as needed. In cases where all windows must be boarded up, the certificate shall be protected from weather and affixed to a suitable place on the exterior of the building.

SECTION 8. AUTHORITY FOR ENFORCEMENT; PENALTIES

- (a) The Chief Building Official, or the Code Enforcement Officer, or his/her designee, is authorized to administer and enforce the provisions of this Ordinance including, but not limited to, maintained lists setting for the status of vacant buildings.
- (b) Upon a reasonable basis to suspect non-compliance or a violation of this Ordinance, the Chief Building Official, or the Code Enforcement Officer, or his/her designee, or the Code Enforcement Officer, or his/her designee, shall cause a notice to be generated to the last owner of the property as determined by the state tax records maintained by the County of Mobile or the State of Alabama. The notice shall provide the owner thirty (30) days to bring the property into compliance with this Ordinance. Notice shall be considered properly given by placing a copy of the same on the vacant building or structure and by certified mailing notice via the U.S. Postal Service to the owner/owners' last known address with first-class postage prepaid.
- (c) Any person found to be in violation of any provision of this Ordinance shall be guilty of an offense against the City of Prichard and shall be subject to the penalties prescribed in Section 2 of Ordinance No. 1794 of the Ordinances of the City of Prichard, Alabama, for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

- (d) The amount of any fine issued under this Ordinance, inclusive of cost of boarding and enclosing, grass and weeds removal, or removal and/or demolition by the Building Inspector or his designee, and the cost of initiating abatement proceedings under this Ordinance, including inspector and attorneys fees, shall be recoverable from the owner or owners, and shall be a lien against the property upon which the building or structure is (or was) located and shall also be enforceable against any person specified in the order as provided by law.
- (e) Nothing in this Ordinance or this Section shall prevent the City of Prichard from seeking any other remedy or remedies for code violations through the use of any other administrative or court proceedings, including the imposition of fines for violation of the Building Code or other city codes and ordinances.
- (f) Upon a reasonable basis to suspect non-compliance or a violation of this Ordinance, the Chief Building Official, or the Code Enforcement Officer, or his/her designee, shall cause a notice to be generated to the last owner of the property as determined by the state tax records maintained by the County of Mobile or the State of Alabama. The notice shall provide the owner thirty (30) days to bring the property into compliance with this Article. Notice shall be considered properly given by posting a copy of the same on the vacant building or structure and by certified mail through the U.S. Postal Service to the owner's/owners' last known address with first-class postage prepaid.

SECTION 9. ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force, effect, and operation.

SECTION 10. SEVERABILITY. If any clause, phrase, portion, section or subsection of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct, independent, and separate provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately from and upon its adoption as required by law.

ADOPTED this the 4th day of JANUARY, 2024.


GEORGE E. McCALL, JR., Council
President

APPROVED this the 4th day of January, 2024.


JIMMIE GARDNER, Mayor

ATTEST this the 4th day of January, 2024.


MYTASHA KING
City Clerk